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## VIA ELECTRONIC FILING

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**Re: MC-F-21035, Stagecoach Group plc and Coach USA, Inc., et al. —  
Acquisition of Control — Twin America, LLC**

Dear Ms. Brown:

This will reply to the September 16, 2010 letter submitted by the State of New York, Office of Attorney General (“NYSAG”) concerning the decision recently issued by Justice Ramos of the New York State Supreme Court dismissing the antitrust claims brought by Continental Guest Services Corporation (“CGSC”) against Twin America, LLC and others. *Continental Guest Services Corp. v. International Bus Services, Inc., et al.*, No. 600643/10 (Sept. 14, 2010).

The NYSAG letter argues that the Court determined that the “proper market for antitrust consideration is solely the hop-on/hop-off double-decker bus market, and not the broader market Applicants advocated.” That is incorrect. The Court did nothing more than point out that the *complaint* “alleges” a market limited to double-decker sightseeing bus tours (Opinion at 2) and “attempts to identify” such a market (*Id.* at 16). Further, the Court held that CGSC could not define a “Ticket Sales” market limited to distribution of Twin America’s tickets. Accordingly, the Court held that it did not have to reach market definition questions (regarding cross-elasticity or interchangeability) raised by CGSC’s attempt to define a Tour Bus market (*Id.* at 19).

Twin America and its co-applicants maintain that their transaction should be approved under 49 U.S.C. § 14303 because it is consistent with the public interest and not anti-

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competitive. Nothing in the Court's decision calls into question Twin America's position before this Board on those issues.

Finally, the NYSAG's letter quotes from the portion of the Court's decision that addresses the applicability of Section 14303. Twin America submits that the Board is the entity best able to assess the applicability to the Twin America in light of facts presented to it, including Twin America's status as a certificated interstate motor carrier of passengers and its undisputed and continuing participation in the interstate charter market and in joint arrangements with other interstate carriers.

Respectfully submitted,



David H. Coburn  
Attorneys for Applicants Stagecoach Group  
plc; Stagecoach Transport Holdings plc.;  
SCUSI Ltd.; Coach USA Administration,  
Inc.; Coach USA, Inc.; International Bus  
Services, Inc.; CitySights Twin, LLC; Mr.  
Zev Marmurstein; and Twin America, LLC

cc: All parties of record  
Mark A. Berman, Esq.